IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 20TH SEPTEMBER 2007 / 29TH BHADRA 1929

Crl.Rev.Pet.No. 2418 of 2007()

AGAINST THE ORDER DATED 14/06/2007 IN CMP. 2221 /2007 IN CC.528/1993 of JUDL.MAGISTRATE OF FIRST CLASS, PERUMBAVOOR

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REVN. PETITIONER:

N.V.NARAYANAN, NANGELI VEEDU,
PERUMBAVOOR.

BY ADV. SRI.T.RAVIKUMAR

RESPONDENTS:

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1. SANTHISLAVOS, S/O XAVIER,
KALAMBADAN VEEDU, NEDUGAPPARA KARA,
VENGOOR WEST VILLAGE.

2. STATE OF KERALA REP. BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.K.S. SIVAKUMAR
SRI.TOMMY LOUIS

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 20/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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Crl.R.P. No. 2418 OF 2007

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Dated: 20th day of September 2007

ORDER

The revision petitioner was convicted under Sec. 138 of the Negotiable Instruments Act, 1981 by the J.F.C.M. Perumbavoor in C.C. 28 of 1993 in respect of a cheque for an amount of Rs. 98,000/- issued in the year 1993. The sentence was simple imprisonment for one year only without any fine or compensation. The said conviction and sentence were confirmed in appeal by the learned Addl. Sessions Judge, North Paravur in Crl. Appeal No. 29 of 1995 and by this Court in Crl.A. No. 66 of 1998. The complainant had passed away in the meanwhile. Thereafter the revision petitioner filed C.M.P. No. 2221 of 2007 before the trial court seeking to implead the legal heir of the complainant for the purpose of compounding the offence. The said petition was dismissed as per the impugned order dated 14-06-2007. It was challenging the said order that the accused filed the above revision.

2. Since the original complainant had died and as per the sentence imposed on the revision petitioner there was no money payable to the complainant with regard to any portion of the cheque

amount , this Court issued notice to the legal heir of the complainant. The said legal heir namely, Noble K. Thomas entered appearance through counsel and submitted that he is willing to compound the offence on receipt of a sum of Rs. 2,10,000/- from the revision petitioner. The learned counsel for the revision petitioner also submitted that he is willing to compound the offence for a sum of Rs. 2,10,000/-. Accordingly, the revision petitioner as well as the Addl. Respondent who is the legal heir of the deceased complainant are permitted to file the requisite petition before the trial court within one month from today. In as much as this Court has taken the view in **Sabu George v. Home Secretary - 2007 (1) KLT 982** that post - revision composition also permissible in law, there cannot be any legal hurdle in entertaining such a petition by the Magistrate.

V. RAMKUMAR,
(JUDGE)

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